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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/194,631 08/27/99 SCHONLAU

J AP8706

EXAMINER

QM02/0427

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ART UNIT

PAPER NUMBER

3745

DATE MAILED:

04/27/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/194,631

Applicant(s)

SCHONLAU ET AL.

Examiner

F. Daniel Lopez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 7, 10 and 11 is/are rejected.
- 7) ☐ Claim(s) 8, 9 is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 1999 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: .

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Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the star-shaped retaining member (claim 8) and the projection on the cable duct engaging a recess in the housing forming an anti-torsion mechanism (claim 11) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Specification

The abstract of the disclosure is objected to because it consists of two paragraphs, whereas it should be only one paragraph. Correction is required. See MPEP § 608.01(b).

The substitute specification filed as part of the national stage entry of the PCT has been entered, even though applicant has not provided a marked up copy of the substitute specification or certified that there is no new matter in the substitute specification. A cursory review of the substitute specification, by the examiner, indicated that the changes are grammatical and the addition of headings.

Claim Rejections - 35 USC § 112

Claim 11 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 11 line 1-2 "the side of the extension" has no antecedent basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

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Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 7 and 10 are rejected under 35 U.S.C. § 103 as being unpatentable over German 4,404,334 in view of Richter. German 4,404,334 discloses a pneumatic brake booster comprising a booster housing having an interior by a movable wall into a vacuum chamber and a working chamber; a control housing accommodating a control valve to control a differential pressure across the movable wall, the control valve having two sealing seats cooperating with an elastic valve member, with one of the valve seats operated by an actuating rod and by an electromagnet independently of the actuating rod; with a cable duct hermetically sealed in the booster housing through which electric lines extend into the interior of the booster housing; but does not disclose that the cable duct is an injection molded plastic part, having an anti-torsion mechanism, inside of which the electric lines are partly insulated and tin-plated in their insulated portion.

Richter teaches, for a cable duct (including 28) hermetically sealed to a housing (34) and through which electric lines (14-16) extend; that the cable duct is an molded plastic part (column 2 line 53-61), having an anti-torsion mechanism (oval shape, see fig 2), inside of which the electric lines are partly insulated and soldered to produce a solid strand, for the purpose of preventing leakage through spaces between individual strands (column 2 line 63-67) in their insulated portion.

Since the cable ducts are German 4,404,334 and Richter are functionally equivalent in the fluid tight cable entry art; it would have been obvious at the time the invention was made to one having ordinary skill in the art to make the cable duct of German 4,404,334 as an molded plastic part, having an oval shaped anti-torsion mechanism, inside of which the electric lines are partly insulated and soldered to produce a solid strand, for the purpose of preventing leakage through spaces between individual strands in their insulated portion, as taught by Richter, as a matter of

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engineering expediency. Note that soldering the electric lines includes using tin solder, to plate the electric lines.

Official notice is taken that molded plastic parts can be made using an injection molding process. It would have been obvious at the time the invention was made to one having ordinary skill in the art to make the molded plastic cable duct of the modified German 4,404,334 as an injection molded plastic part, as a matter of engineering expediency.

Conclusion

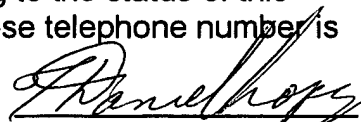
Claims 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shimamura refers to a cable duct for a brake booster. Woodall refers to a cable duct.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Lopez whose telephone number is (703) 308-0008. The examiner can normally be reached on Monday-Thursday from 6:30 AM -4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Look, can be reached on (703) 308-1044. The fax number for this group is (703) 308-7763. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0861.



F. Daniel Lopez
Primary Examiner
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April 24, 2001